

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: JANUARY 8, 2009

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

GPA-32164 - GENERAL PLAN AMENDMENT - PUBLIC HEARING -
APPLICANT/OWNER: CRISTINA STEPHENS - Request to amend a portion of the Southeast Sector of the General Plan FROM: L (LOW DENSITY RESIDENTIAL) TO: O (OFFICE) on 0.14 acres at 2404 East Kirk Avenue (APN 139-26-712-137), Ward 3 (Reese)

C.C.: 02/04/2009

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

2

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

0

RECOMMENDATION:

DENIAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Support Postcards
7. Submitted after Final Agenda – Protest/Support Postcards for Items 29 and 30

Motion made by STEVEN EVANS to Deny

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

STEVEN EVANS, VICKI QUINN, BYRON GOYNES, GLENN TROWBRIDGE, RICHARD TRUESDELL, KEEN ELLSWORTH; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR GOYNES declared the Public Hearing open for Items 29-31.

PETER LOWENSTEIN, Planning and Development, pointed out that the proposed general plan designation will allow commercial uses that are more intense and generally less compatible with the adjacent residential uses. Furthermore, increased commercial traffic will exist within a residential neighborhood and sufficient buffering will not be provided, as there is a request for a waiver of landscaping. Staff recommended denial.

DAVID RODRIGUEZ, 2441 Old Forge Lane, appeared on behalf of Miranda Travel. Using a diagram, he explained the subject site and surrounding office uses. The proposed office is a

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travel agency, which will be managed by the owner and another individual; their current business is located at 4500 East Bonanza Road, Suite J. The majority of the services are completed over the phone, whereby the tickets are picked up in person. MR. RODRIGUEZ explained that the owner has had difficulty in renting the property, due to its location on a heavily traveled street. The applicants are willing to reduce the proposed size of the structure to allow for traffic flow.

Regarding the applicants' justification letter indicating an income tax service, MR. RODRIGUEZ clarified for CHAIR GOYNES that that was the original request; thereafter, Planning and Development staff informed them that a travel agency was allowed within the "O" designation.

MARGO WHEELER, Director of Planning and Development, pointed out that whether the use is a travel agency or income tax, the applicants could operate the business as a home business if there is no pedestrian traffic. In this case, there will be pedestrian traffic so the subject applications are required. A PR (Professional) zoning request for a conversion could be appropriate at this location because it is an existing home.

MR. RODRIGUEZ clarified the proposed square footage is 1,100 square feet, which will allow for traffic flow on the site and not have clients park on the street.

BARBARA and JOSEPH BAUDOIN, 2400 Kirk Avenue, appeared in opposition. MS. BAUDOIN noted that her property is adjacent to the subject site. She pointed out that the entrance of the subject home is not on Eastern Avenue, and there is a law office located at 2425 East McWilliams in which the entrance is on Eastern Avenue. She is concerned about safety and property values. There is already traffic congestion along this corridor, and she has experienced parking issues, and they do not want additional traffic or noise. MR. BAUDOIN added that having no landscaping on the property does not attract potential buyers. The house would have to be completely demolished and this would set a precedent.

COMMISSIONER EVANS stated that it appeared that there was no intention for anyone to reside at the home and questioned how long the applicant owned the house. The house is oriented toward Kirk Avenue and not Eastern Avenue. He believes that the residents who live on that street have a property right and it would be an injustice to create a professional office. Often these businesses have neon lights on the windows and become a target for vandalism. MR. RODRIGUEZ replied there is a bus stop by Harris Avenue and having a driveway on Eastern Avenue would create a traffic hazard.

CRISTINA STEPHENS, 6477 Strongbow Drive, responded that she has owned the property for 13 months. The property is currently vacant, and she informed CHAIR GOYNES that the vandalism on the roof has been removed.

COMMISSIONER EVANS pointed out that when MS. STEPHENS purchased the home, she was aware that it was zoned residential. Without the consent of the neighbors, this is not a good application.

CHAIR GOYNES declared the Public Hearing closed for Items 29-31.